

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ETHAN KARAVANI,

Plaintiff,

- against -

CITI NEST GROUP LLC

Defendant.

Docket No. 1:19-cv-4229

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Ethan Karavani (“Karavani” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Citi Nest Group LLC (“Citi Nest” or “Defendant”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of copyrighted photographs of the inside of an apartment, owned and registered by Karavani, a New York based professional photographer. Accordingly, Karavani seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendant because Defendant resides and/or transacts business in New York.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Karavani is a professional photographer in the business of licensing his photographs for a fee having a usual place of business at 301 Sullivan Place, #7B, Brooklyn, New York 11225.

6. Upon information and belief, Citi Nest is a domestic limited liability company duly organized and existing under the laws of the State of New York, with a place of business at 506 5<sup>th</sup> Avenue, 2<sup>nd</sup> Floor, Brooklyn, New York 11215. Upon information and belief, Citi Nest is registered with the New York Department of State Division of Corporation to do business in the State of New York. At all times material hereto, Citi Nest post real estate listings on [www.StreetEasy.com](http://www.StreetEasy.com) (the “Website”)

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Photographs**

7. Karavani photographed the inside of an apartment (the “Photographs”). A true and correct copy of the Photographs is attached hereto as Exhibit A.

8. Karavani is the author of the Photographs and has at all times been the sole owner of all right, title and interest in and to the Photographs, including the copyright thereto.

9. The Photographs were registered with United States Copyright Office and were given Copyright Registration Numbers VA 2-158-296.

#### **B. Defendant’s Infringing Activities**

10. Citi Nest ran the Photographs on the Website on a real estate listing. See Exhibit B.

11. Citi Nest did not license the Photographs from Plaintiff for its Website, nor did Citi Nest have Plaintiff's permission or consent to publish the Photographs on its Website.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

12. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-11 above.

13. Citi Nest infringed Plaintiff's copyright in the Photographs by reproducing and publicly displaying the Photographs on its Website. Citi Nest is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photographs.

14. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

15. Upon information and belief, the foregoing acts of infringement by Citi Nest have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

16. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Citi Nest be adjudged to have infringed upon Plaintiff's copyrights in the Photographs in violation of 17 U.S.C §§ 106 and 501;
2. That Plaintiff be awarded either: a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement

- of Plaintiff's Photographs; or b) alternatively, statutory damages of up to \$150,000 per copyrighted work infringed pursuant to 17 U.S.C. § 504;
3. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
  4. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 505;
  5. That Plaintiff be awarded pre-judgment interest; and
  6. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
July 22, 2019

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